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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY JOHNSTON, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

SCHIFF NUTRITION INTERNATIONAL, INC.,
a Delaware corporation, and RECKITT
BENCKISER LLC, a Delaware limited liability
company,

Defendants.

Case No. 15-cv-03669-PJH

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING
DEFENDANTS' RESPONSE TO
COMPLAINT**

STIPULATION

After being advised of the filing the complaint in the present action, counsel for Defendants Schiff Nutrition International, Inc., and Reckitt Benckiser LLC agreed to accept service on behalf of their clients in exchange for Plaintiff Jeffrey Johnston's agreement to provide Defendants with 45 days from the date of service within which to answer or otherwise respond to the complaint. Having considered various factors, including the effect the additional time requested by Defendants would have on Plaintiff's counsels' schedules in the event Defendants respond to the complaint by way of a motion rather than an answer, as well as Defendants' counsel's schedule in the month of November, the parties have agreed to proceed as follows, subject to Court approval:

1. Defendants' counsel shall have until October 2, 2015, to answer or otherwise respond to the complaint;
2. In the event Defendants' counsel respond to the complaint with a motion or motions, Plaintiff's counsel shall have until November 2, 2015, to respond and Defendants' counsel will have until November 13, 2015 to reply;
3. The hearing of any motion shall be set for a date that is mutually agreeable to the parties and the Court.

IT IS SO STIPULATED.

DATED: September 2, 2015

FAZIO | MICHELETTI LLP

by /s/ Dina E. Micheletti
Dina E. Micheletti

Attorneys for Plaintiff
Jeffrey Johnston, on behalf of himself
and all others similarly situated

Pursuant to L.R. 5-1(i)(3), the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below:

1 DATED: September 2, 2015

LATHAM & WATKINS LLP

2 by /s/ Katherine M. Schon
Katherine M. Schon

3 Attorneys for Defendants
4 Schiff Nutrition International, Inc., and
5 Reckitt Benckiser LLC

6 **[PROPOSED] ORDER**

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.
8

9 September 3, 2015.

